



Construction Stormwater Compliance Update

ADEM Regulatory Update
May 21, 2009



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INTRODUCTION

- Regulations
 - Keys to Compliance
 - Common Compliance Issues
- ADEM's Compliance Check
- Proposed Effluent Guidelines / Wrap Up



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CSW REGULATIONS

- **Registration**
 - ADEM Admin. Code r. 335-6-12-.10
- **Inspection Requirements**
 - ADEM Admin. Code r. 335-6-12-.28
- **Reporting and Record Keeping**
 - ADEM Admin. Code r. 335-6-12-.15
- **Best Management Practices**
 - ADEM Admin. Code r. 335-6-12-.21



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REGISTRATION

- ADEM Admin. Code r. 335-6-12-.05(1)
 - Obtain and Maintain Registration
 - Until all disturbed areas have been reclaimed
or
 - Effective stormwater quality remediation has been achieved
or
 - Another Operator has registered



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COMMON COMPLIANCE ISSUES

- Commencing land disturbance activities prior to obtaining registration
- Continuing land disturbance activities prior to re-registration
- Failure to modify registration



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INSPECTION REQUIREMENTS

Daily Inspections

- ADEM Admin. Code r. 335-6-12-.28(3)
- areas of active disturbance
- BMP deficiencies
- Performed by QCI, QCP, or qualified person



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Comprehensive Inspection / Evaluation

- ADEM Admin. Code r. 335-6-12-.28(4)
- all permitted areas Performed by the QCI, QCP, or qualified person under the QCP's supervision
- Weekly within banks of a water body
- Monthly for other areas
- Semi-Annually by the QCP or designee
- After storm events
 - $\frac{3}{4}$ " in. rain in 24-hour period



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NONCOMPLIANCE NOTIFICATION

- BMP deficiencies / failures
- ADEM Form 501
- No later than 5 days after becoming aware of the event
- Non-compliant discharges
 - Report w/in 24 hours



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RECORDKEEPING

- ADEM Admin Code r. 335-6-12-.15
- CBMPP / SPCC Plan
- Site data
- Inspection Records
- Retained for a minimum of 3 years
- Records are to be kept on-site
 - or-
- Previously identified alternate location readily accessible to inspection



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BEST MANAGEMENT PRACTICES (BMP)s

- Planning
- Implementation
- Maintenance
- Wash / Rinse / Repeat

Construction Best Management Practices Plan

- ADEM Admin. Code r. 335-6-12-.21
- Prepared by QCP
- Tailored to specific job site
 - Topography
 - Proximity to Waters of the State
 - Historical rainfall patterns
- BMP Design Standards
 - Alabama Handbook for Erosion Control, Sediment Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas
- Implementation Procedures
- Maintenance Procedures



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BMP ISSUES

If you can't control it

DON'T DISTURB IT!

BMP Installation



Proper Installation of Silt Fence





BMP Maintenance

Proper Use of Silt Fence?



Proper Use of Silt Fence?





Properly Anchored Silt Fence in Conjunction with Mulch



Properly Anchored Silt Fence in Conjunction with Mulch

Slope Stabilization



Slope Stabilization



Inlet Protection





Inlet Protection



Inlet Protection



No Volume / Velocity Dissipation Measures



Ineffective Volume / Velocity Dissipation Measures

Sediment Basins



Sediment Basins





Proper Storage of Chemicals



Housekeeping





Waste Management



Post-Construction BMPs

(USEPA, 2006)



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HOW DOES ADEM CHECK COMPLIANCE?

- In the Field:
 - Review of on-site records, if available
 - NOR
 - CBMPP
 - SPCC, if applicable
 - Inspection Reports
 - Precipitation Logs



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HOW DOES ADEM CHECK COMPLIANCE?

- In the Field (continued)
 - Conduct a detailed inspection of the facility
 - BMP implementation and maintenance
 - BMP effectiveness
 - Instream Sediment Accumulation
 - Off-site Sedimentation and Erosion
 - Off-site Tracking
 - On-site Sedimentation and Erosion
 - Proper Handling of Gray Water
 - Unpermitted Discharges
 - Unpermitted Areas



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HOW DOES ADEM CHECK COMPLIANCE?

- In the Office:
 - Review facility file information
 - Inspection report findings
 - Photographs taken during inspection



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Enforcement

- No Action
- Warning Letter
- Notice of Violation
 - Formal Action
 - Specifies a specific timeframe for correcting deficiencies
 - Requires certification from a QCP that the site has returned to compliance
- Administrative Order
 - Civil penalties
- Litigation



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Effluent Limitation Guidelines for Turbidity

- Proposed regulation published in the November 28, 2008 Federal Register
- Comment period ended February 26, 2009
- EPA is currently discussing potential revisions based on comments received
- Final rule will be published prior to December 1, 2009



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